REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-18 are presently active in this case. The present Amendment amends Claims 1-18 without introducing any new matter.

The outstanding Office Action rejected Claims 1 and 16 under 35 U.S.C. §103(a) as unpatentable over Atarius et al. (U.S. Patent No. 6,873,648, herein "Atarius").

Claims 2-15 and 17-18 were indicated as allowable if rewritten in independent form. Applicants acknowledge with appreciation the indication of allowable subject matter.

However, since Applicants consider that independent Claims 1 and 16, from which Claims 2-15 and 17-18 depend, defines patentable subject matter, Claims 1 and 16 are maintained in independent form at the present time.

To correct minor formalities, Claims 1-19 are amended. Since the changes are merely formal in nature, they are not believed to raise a question of new matter.

To clarify Applicants' invention, independent Claims 1 and 16 are amended to recite "wherein the plurality of path candidates are selected within a search window that is matched with the reference timing." This feature finds non-limiting support in the disclosure as originally filed, for example at page 26, lines 4-19. Therefore, the changes to the claims are not believed to raise a question of new matter.[1]

In response to the rejection of Claims 1 and 16 under 35 U.S.C. §103(a), Applicants respectfully request reconsideration of this rejection and traverse the rejection, as discussed next.

Briefly recapitulating, Claim 1 relates to a timing correcting device including, *inter alia*: a path detecting unit configured to detect a plurality of path candidates to be tracked

[1] See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

from a reception signal, and outputting a path timing and a detection correlation value corresponding to each path candidate as a result; an optimum-path selecting unit configured to select an optimum path timing that should be tracked from among the timings of the path candidates, based on a result of the detection and the predetermined decision standard, wherein the plurality of path candidates are selected within a search window that is matched with the reference timing.

As explained in Applicants' Specification at page 9, lines 15-18 with corresponding Figure 1, Applicants' invention improves upon conventional timing correcting devices because the optimum-path-selecting unit selects a timing path having a largest detection correlation value, and therefore it is possible to select the most stable path from among a plurality of path candidates.

Turning now to the applied reference, Atarius discloses a method for the fast detection of path rays in a multi-path channel receiver having multiple time references.[2] However, Atarius fails to teach or suggest the optimum-path selecting unit, wherein the plurality of path candidates are selected within a search window that is matched with the reference timing, as recited in amended Claim 1. Atarius teaches that to determine the new time reference, the location of the most significant ***path-ray from previous observations*** is shifted within the interval {-M, -M-1, ..., M}.[3] Reading Atarius, a person of ordinary skill in the art would understand that the new time reference is found by searching in a window which is defined in relation with the path-ray of previous observations. Further, Atarius teaches that the path ray location is shifted by {–M , ... , M}[4] and that a complete search may be initiated at a step 350.[5] Accordingly, determining a new time reference or path-way by searching around previous path-way observations as taught by Atarius, ***is not*** selecting a plurality of path

[2] See Atarius in the Abstract
[3] See Atarius at column 5, lines 59-64.
[4] See Atarius at column 6, lines 33-35.
[5] See Atarius at column 6, line 45 and in corresponding Figure 3.

search candidates within a search window that is matched with the reference timing as claimed by Applicants.

Therefore, the applied reference fails to teach or suggest every feature recited in Applicants' claims, so that Claims 1 and 16 are believed to be patentably distinct over the applied reference. Accordingly, Applicants respectfully traverse, and request reconsideration of, the rejection based on Atarius.[6]

Consequently, in view of the present Amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-18 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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[6] See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."